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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 JAMES MYRON,)	No. C 99-21265-JW (PR)
)	
12 Plaintiff,)	ORDER DISMISSING UNSERVED
)	DEFENDANTS UNDER FEDERAL
13 vs.)	RULE OF CIVIL PROCEDURE 4(m)
)	
14)	
15 CAL TERHUNE, et al.,)	
)	
16 Defendants.)	(Docket Nos. 187 & 191)
17 _____)	

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19 Plaintiff filed the above titled civil rights complaint in pro se under 42 U.S.C. §
20 1983. To date, defendants Alfonso K. Fillion, P. Hamilton, J. Basso, P. Mandeville,
21 and S. Shipman have not been served. Plaintiff provided current addresses for P.
22 Mandeville and P. Hamilton who are in the process of being served. However,
23 defendants Alfonso K. Fillion, J. Basso, and S. Shipman have not been served.
24 Plaintiff's complaint has been pending for well over 120 days and there is an absence
25 of "good cause" for the failure to serve. See Fed. R. Civ. P. 4(m). Accordingly,
26 defendants Fillion, Basso and Shipman are DISMISSED without prejudice under Rule
27 4(m) of the Federal Rules of Civil Procedure.

28 The clerk of the Court shall terminate R. Peralez, B. White, John H. Burke, C.

1 Picerking, Duck, Rita Clayton, J. Thompson, Smith, C. Moreno, Tann, V. Barron,
2 Rings, Hill, Davis, Kilpatrick, E. Donnelly, Puig, Dr. Davis, M.S. Madison, Dr.
3 Kuenzi, Dr. Parkinson, and Dr. Wittenberg from the docket as they are not parties to
4 this action.

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6 DATED: January 26, 2009


7 JAMES WARE
8 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES MYRON,

Plaintiff,

v.

CAL TERHUNE, et al.,

Defendants.

Case Number: CV99-21265 JW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/12/2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Myron K-80153
CSP-Ironwood
Ironwood State Prison
P O Box 2199
Blythe, CA 92226-2199

Dated: 2/12/2009

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk